

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

GLENN BLAIR PENDLETON

COMPLAINANT

v.

SOUTH CENTRAL BELL TELEPHONE
COMPANY

DEFENDANT

CASE NO. 94-045

ORDER TO SATISFY OR ANSWER

South Central Bell Telephone Company ("South Central Bell") is hereby notified that it has been named as defendant in a formal complaint filed on February 4, 1994, a copy of which is attached hereto.

Pursuant to 807 KAR 5:001, Section 12, South Central Bell is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order.

Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.


Done at Frankfort, Kentucky, this 21st day of March, 1994.

ATTEST:


Executive Director

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:

GLENN BLAIR PENDLETON)
-----)
COMPLAINANT)
)
VS)
)
SOUTH CENTRAL BELL)
-----)
DEFENDANT)

94-045

C O M P L A I N T

The complainant of GLENN BLAIR PENDLETON respectfully shows:

(a) Glenn Blair Pendleton
1352 South First Street
Louisville. KY 40208

(b) South Central Bell
601 West Chestnut Street
Louisville. KY 40202

(c) That: The Defendant has acted in an arbitrary and discriminatory manner by refusing to provide telephone service to the Complainant within a reasonable period of time. This refusal of service has delayed the remodeling of the Complainant's building and delayed the opening of the Complainant's business. This delay will ultimately result in a significant loss of income, since telephone service is an absolute requirement to the operation and management of the Complainant's inn, restaurant and catering business to be located in the Complainant's building. The Complainant charges that the Defendant's refusal to provide service in a timely manner is directly responsible for this loss.

Formal Complaint

Glenn Blair Pendleton VS South Central Bell

Page 2

The Complainant placed an order for telephone service to his lodge located on Greenshores Road, McDaniels, KY in October, 1993, and has been given a service date of April 21, 1994. In response to the Claimants protests, the Defendant's representatives have presented several conflicting and illogical excuses for not providing the service at an earlier date. These excuses include "We have no right-of-way", "The cable pairs on Greenshores property do not belong to South Central Bell", "The 25-pair cable serving Greenshores terminates in the garage of one of the residences and we have no access to the cross connect box in that garage", "The cable pairs between that garage and the lodge probably are defective", "No, we haven't tested them", and "The outside plant engineer responsible for the area is overworked and does not have the staff to do all the work assigned to him".

It appears to the Complainant that the Defendant's representatives do not know what facilities they have in the area nor what their operational status is. And since they obviously feel that they are overworked, they have not bothered to find out what it would take to provide the complainant's service immediately.

Given the following facts, the Complainant argues that a service interval greater than six (6) months to provide the single business line needed to start his new business is absurdly excessive.

Formal Complaint

Glenn Blair Pendleton VS South Central Bell

Page 3

(1) The lodge building (formerly owned by the Kentucky Easter Seals Society) is located on Rough River Lake and is approximately 1.5 air miles from the serving central office (see the attached map).

(2) The lodge has had telephone services, previously. It had both business lines and a pay phone. A South Central Bell cross connect box for underground cable is located just outside the building and another is accross the street adjacent to the Meade County RECC pole that provides power to the lodge. (Incidently, it took the Power Company less than two (2) weeks to restore electrical service. If the Defendant really wanted to provide timely service, the Defendant could have proposed joint use of the Power Company's poles and right-of-way.)

(3) There appears to be two (2) existing rights-of-way to the property. The first, which is a little longer than the second, goes from the McDaniels Central Office about 0.25 miles down Highway 259 to Highway 110, then about 1.5 miles down Highway 110 to Greenshores Road (at Laurel Branch Campground) and then about 1.0 mile along Green Shores Road to the lodge. The second right-of-way goes from the McDaniel's Central Office accross a neighboring farm to a development called End-of-the-Rainbow and to Greenshores. The total length of this route is estimated to be less than 2.0 miles.

Formal Complaint

Glenn Blair Pendleton VS South Central Bell

Page 4

(4) There appears to be at least 2 cables serving the area around Greenshores; one down Hwy 110 at least as far as the Laurel Branch Campground. (The Campground also includes a pay phone.) There appears to be another cable serving End-of-the-Rainbow and Greenshores.

(5) There appears to be existing South Central Bell cable pairs interconnecting the buildings at Greenshores, and the Greenshores caretaker's residence had telephone service until about a year prior to the time the Complainant ordered service.

(6) There are, or have been, South Central Bell cable pairs from the McDaniels Central Office to the Complainant's building (lodge) at Greenshores.

(7) Because of the close proximity of the serving central office to the Complainant's building, it appears that the extension and cross connection of cable facilities to serve the Complainant's building could have been completed within a one or two day interval.

(8) Even if a new cable were required to provide the service, it is not reasonable to assign a six-month service interval to a one- to two-week implementation job. There appears to be no technical reason why the cable could not have been

Formal Complaint

Glenn Blair Pendleton VS South Central Bell

Page 5

scheduled and implemented within the first month after the Complainant requested service.

Wherefore, the Complainant asks that:

(1) The Public Service Commission rule that South Central Bell has defaulted in their obligation to provide timely service and that said Company be required to provide the Complainant's service immediately.

(2) The Public Service Commission establish specific service guidelines for the provision of new facilities in served and previously served areas and that these guidelines be included in the appropriate tariffs and/or regulations to provide benchmarks for determining South Central Bell's performance in providing new and upgraded services. Punitive measures such as reductions in allowable profit margins for poor performance are appropriate and should be included. The guidelines should include service intervals for facility upgrades that take into account:

- (a) The location and type of the serving central office, and
- (b) The distance and distribution of the unserved subscriber(s) from the serving central office.

Formal Complaint

Glenn Blair Pendleton VS South Central Bell

Page 6

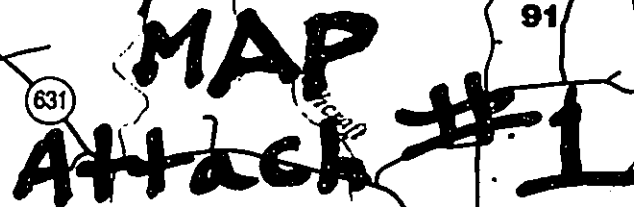
(3) The Public Service Commission reduce the Installation Charge for a business telephone service from \$63.00 to \$34.50 (the same as the installation charge for a residential service). At present, service charges and installation charges are different for residential and business services. A logical argument can be made to justify higher service charges for businesses since it can be argued that the average business user will use the telephone company's transmission and switching network more often and for longer periods than the average residential user and, therefore, should pay a higher rate. However, since the implementation of a business telephone service is identical to the implementation of a residential telephone service, there is no similar, logical justification for the difference in the charges. Thus, the higher installation charge for small businesses is both arbitrary and discriminatory, and therefore, should be reduced to that of the residential user.

Dated at Louisville, Kentucky, this 30th day of January 1994.



Glenn Blair Pendleton

Enclosure - Map



January 31, 1994

Glenn Blair Pendleton
1352 South First Street
Louisville, KY 40208

Commonwealth of Kentucky
Public Service Commission
730 Schenkel Lane
Post Office Box 615
Frankfort, KY 40602

RECEIVED

FEB 04 1994

PUBLIC SERVICE
COMMISSION

94-045

Sirs and Madam:

Enclosed are eleven (11) copies of my formal complaint
against South Central Bell.

I have been a telecommunications engineer for over 30 years.
As such, I have designed everything from telephone and data
circuits to complex local, national and international voice, data
and video networks. These networks utilized state-of-the-art
technology, techniques and equipment. I have designed telephone
circuits using exchange cable pairs and I have designed national
networks that included the use of satellite derived circuits for
inter-switch trunking. I have been a consultant for Federal and
State Governments, the Telecommunications Branch of the Australia-
n Postal Service as well as dozens of private companies in the
United States, Australia, Canada and France. In addition, I have
held corporate telecommunications positions from beginning engineer
to Vice President of Engineering and Operations. Therefore,
I think you will agree that I have sufficient knowledge of telephone
company facilities, equipment, installation and operation to know
what can and can't be done and when I am being treated unjustly.

Over the years I have had to deal with a lot of communications
problems, but without a doubt one of the most frustrating

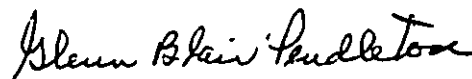
companies I have had to deal with is South Central Bell. The company has an army of clerks. They handle routine tasks well but when something goes wrong, they seem to set up smoke screens instead of solving the problem. For example, the business office wrote a service order in response to my request for them to restore telephone service to a building I purchased on Rough River Lake near McDaniels. On the due date, I drove 70 miles to be there, install a phone and test the service. No one showed. There was no evidence to indicate that anyone had been there. After a few days with no follow-up activity, I had to call the telephone company to find out that the order was to be held for more than 6 months while they installed a new cable. (Where is their planning? Why didn't they know they had no spare cable pairs in their existing cables that were serving the fast growing areas around the lake?) When I asked about temporary solutions or the possibility of expediting the implementation of the new cable, the only persons I was allowed to talk to were the clerks, the supervisor of the clerks, and the supervisor of the supervisors of the clerks. They, in turn, were supposed to investigate the problem and offer solutions but none of them contributed anything to the understanding or the solution of the problem. The field engineer for the area called once when I was not at home, but when I called him (I had to get his number informally), I got an answering (voice mail) machine and he never returned my call.

It took me two months to get the Telephone Company to admit they were not going to do anything to expedite my service. To this

date, I have not been able to speak to anyone at South Central Bell with any technical knowledge of the problem. No wonder it takes them six months to do a one month job... nobody is at home but the message takers. In the meantime, through no fault of my own, I have no telephone service in my building. And, when I am working in that building (70 miles from home), I am isolated from those with whom I need to communicate for business, social or safety reasons.

South Central Bell has been inept in its performance, arrogant in its response to my complaints, and totally uncaring about the impact that their lack of performance has had on my business venture. Consequently, as a last resort (prior to a possible court action), I am appealing to you, the Public Service Commission, via the enclosed formal complaint.

Very truly yours,

A handwritten signature in cursive script that reads "Glenn Blair Pendleton".

Glenn Blair Pendleton

Encl